IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3915 OF 2005

Smt. Usha Mahadev Ghadge ... Petitioner

V/s

Shri Jaywant Prataprao Suryavanshi & ors. ... Respondents

Mr. Sanjeev P. Kadam for the petitioner.

Mr. A.A. Pal with Milind Deshmukh for the Resp.No.1.

Mr. A.H. Palekar, A.G.P. for the Resp.Nos. 2 to 5.

CORAM: S.U. KAMDAR, J.

DATED: 22ND NOV., 2005

P.C.:

1. The petitioner has challenged the impugned order by which the ration shop has been allotted to the respondent No.1. It is the case of the petitioner that the petitioner is entitled to the said allotment of the ration shop on the basis of priority rules and she also has recommondation of the Grampanchayat. In the light of the fact that the learned Minister in his impugned order has not considered whether there is a valid resolution passed by the Grampanchayat or not. In my opinion, the matter should be remanded back to the

Minister for fresh hearing.

2. In the light of the aforesaid, the order impugned herein is set aside. The Minister is directed to decide the revision application afresh between the parties and by taking into consideration all the necessary and relevant material. The Minister will be entitled to call for the record of the Grampanchayat in respect of recommendation resolution passed for the allotment of ration shop. The Minister is directed to determine the impugned application within a period of four weeks from today and pass appropriate order after giving opportunity of hearing to both parties. In the meantime, the order of stay of allotment of the ration shop to the respondent No.1 shall continue and the said order will be operative for a period of two weeks from the date of communication of the order to the parties by the learned Minister.

3. The petition is disposed of with aforesaid order with no order as to costs.

4. Both parties are directed to appear before the Minister on 29th November, 2005 at 11.00 a.m.

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